



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

SOLI et al

Serial No.: 09/872,079

Filed: June 1, 2001

Confirmation No.: 3838


Atty. File No.: 45568-00412

For: "Method and Apparatus for Measuring
The Performance of an Implantable
Middle Ear Hearing Aid, and the
Response of a Patient Wearing Such a
Hearing Aid"

) Group Art Unit: 2644

) Examiner: Pendleton, Brian T.

) AMENDMENT AND RESPONSE

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450 ON May 17, 2005</p> <p style="text-align: center;">MARSH FISCHMANN & BREYFOGLE, LLP</p> <p>BY:  Lynn Pennywell</p>

Mail Stop Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits this Amendment and Response to address the Office Action having a mailing date of November 17, 2004. Based on the amendments and remarks presented below, reconsideration is requested.

Enclosed herewith is a petition for a three-month extension of time, thereby extending the time period for response from February 17, 2005 to May 17, 2005, as well as a check in the amount of \$510.00 as the fee for such extension. Please credit any overpayment or charge any underpayment to Deposit Account No. 50-1419.

Please amend the above-identified patent application as follows: